

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

Bail Appl..No. 7588 of 2007()

CRIME NO.746/07 OF MATHILAKAM POLICE STATION

.....

PETITIONER/ SECOND ACCUSED:

**LAILA, AGED 42 YEARS, W/O.ABDU,
PANIKKAVEETIL HOUSE, KALATHODE DESOM,
OLLUKKARA VILLAGE, THRISSUR TALUK,
THRISSUR DISTRICT.**

BY ADV. SRI.BABU KARUKAPADATH

RESPONDENTS: COMPLAINANT:

**STATE OF KERALA REPRESENTED BY
SUB INPSECTOR OF POLICE, MATHILAKAM THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 07/12/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

R.BASANT, J.

B.A.No.7588 of 2007

Dated this the 7th day of December 2007

O R D E R

Application for anticipatory bail. The petitioner is the sister-in-law of the de facto complainant. She is the second accused in the crime. She faces allegations for the offences punishable inter alia under Section 498A I.P.C. The crime has been registered on the basis of a private complaint filed by the de facto complainant before the learned Magistrate and referred to the police under Section 156(3) Cr.P.C. Investigation is now complete and final report has been filed on 30/11/2007, submits the learned Public Prosecutor. The marriage between the spouses took place on 30/7/1989. There is strain in the matrimonial relationship and that is prompting the de facto complainant to make reckless, exaggerated and fanciful allegations against the petitioner, submits the learned counsel for the petitioner.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the application and I am satisfied, in the facts and circumstances of this case that the petitioner can be granted anticipatory bail.

4. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the

petitioner.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 14/12/2007. She shall be released on regular bail on condition that she executes bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make herself available for interrogation before the investigating officer as and when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law, as if these directions were not issued at all.

(v) If she were arrested prior to 14/12/2007, she shall be released from custody on her executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 14/12/2007.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007